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SUMMARY OF 310th MEETING

March 18, 1976

I. STATUS REPORT ON RECENT CSC ACTIONS IN THE EXECUTIVE DEVELOPMENT AREA

Mr. Jacobson introduced Joseph U. Damico, Director, Bureau of Executive Manpower, who discussed the status of recent Civil Service Commission actions in the executive development area.

I. Implementation of Presidential Directive in FY 77 Budget

In the Budget for Fiscal Year 1977, the President states that "Federal agencies are being directed to strengthen their internal programs of executive selection and training." The Civil Service Commission and the Office of Management and Budget have initiated a number of actions to publicize and implement this Presidential directive. These actions are summarized as follows:

- A joint memorandum from OMB Director Lynn and CSC Chairman Hampton will be sent to agency heads to call their attention to this latest expression of Administration concern with executive selection and development.
- A memorandum from Raymond Jacobson will be sent to Personnel Directors calling their attention to the Presidential directive and outlining the need for agency headquarters, bureaus, and field installation officials to become personally involved in executive selection, development and program evaluation.
- A memorandum from the Director of the CSC Bureau of Executive Manpower will be sent to CSC Regional Directors calling their attention to the President's statement and outlining the responsibilities of field installations in the operation of effective executive development programs. This memorandum will also transmit a "model letter" for Regional Directors to send to heads of regional offices and major field installations.
- The Director of the Bureau of Training will be writing to agency Directors of Employee Development to call their attention to this directive and to outline the role which the Bureau of

- Implications of the President's directive will be discussed in executive development seminars to be conducted this Spring under the sponsorship of the IAG Committee on Development and Training.
- Publicity statements will appear in various CSC publications including the CSC Journal, the Administrator's Alert, the Federal Trainer, the Regional Director's Newsletter, FEI issuances, et al.
- The implications of the President's directive will likely be discussed at most, if not all, of Chairman Hampton's meetings with Under Secretaries now scheduled for April and May 1976.
- The IAG Committee on Executive Manpower will also be communicating with Personnel Directors on this subject.

II. Third Federal Executive Development Program

Announcements for FEDP-III with a transmittal memorandum from Mr. Jacobson are being issued today. The FEDP-III design is a direct result of extensive consultations with OMB officials and the IAG Committee on Executive Manpower. There will be more agency control of the program and less appearance of "elitism." Selection of participants will be by agencies in accordance with each agency's executive development needs. Also, FEDP-III participants will be expected to spend most of their time in their employing agencies, and, hopefully, be assigned to a more responsible position upon completion of the program.

FEDP-III has the following basic characteristics:

- Size: 65 to 100 participants, depending upon the number of candidates selected by the agencies.
- Length: Two years, part-time, in accordance with overall agency needs and program schedule constraints.
- Eligibility: Same as FEDP-I and II; GS-15 or equivalent employees in career and career-conditional positions, career-type Schedule A and B positions, and career positions in ERDA and TVA.
- Selection: Agencies will have primary selection responsibility and it is urged that agencies use rigorous selection processes which are fully consistent with merit principles.
- Formal Training: The FEDP-III will begin with an August - September 1976 seven-week residential education program at FEI, which will be specifically tailored to meet the needs of the FEDP-III participants as indicated on their collective

series of short (½ day) seminars and meetings will be held with high level Federal officials and appropriate speakers.

- Developmental Work Experiences: Agencies will be expected to arrange appropriate rotational assignments to meet agency and participant needs. It is urged that at least one interagency assignment be arranged. The Commission will assist agencies in locating appropriate interagency assignments. The total duration of the developmental work assignment phase should be at least four months during the two-year period.
- Timing: Agencies should submit their list of prospective candidates (in priority order) to CSC-BEM, along with the back-up material specified in the FEDP-III Announcement, by June 1, 1976.

III. Other Items of Interest

The House Appropriations Committee Surveys and Investigations Staff has completed a review of executive development activities in the Federal Government. A report of the Staff findings and a list of related questions has been given to the Commission by the Committee. The Commission is currently preparing a response to the report and to the questions. Eventually, we hope to share this report with you and also our reactions and responses to it.

✓ II. FY 77 EVALUATION PROGRAM PLANNING

Mr. Jacobson introduced John D.R. Cole, Director, Bureau of Personnel Management Evaluation, who discussed fiscal year 1977 evaluation program planning.

Mr. Cole reviewed for the IAG the principal events that have taken place with respect to evaluation program planning for FY-77. During the period February 6 through 9, CSC Central Office and Regional Evaluation Managers met at Airlie House to review current assessments of agency personnel management and the effectiveness of internal evaluation systems. A two-day conference was held on February 10 and 11, involving the Evaluation Chiefs of the 34 agencies that have substantial field structures; the purposes were to review the key events in CSC's program planning cycle and to outline the Commission's assessment and strategic planning processes. Both conferences were well-received by the participants, and there seems to be agreement that planning and preparation for FY-77 evaluation activities represent an improvement over prior years.

Mr. Cole then explained the basic concept of "strategic planning" that will serve as a foundation for the Commission's evaluation relationships with agencies. Obviously, there are differences among agencies with respect to the nature and extent of personnel management problems, as well as differences in the quality and effectiveness of internal personnel management evaluation systems. The evaluation activities undertaken by the Commission, and its interactions with agencies, should take account of these differences, and be tailored accordingly. CSC engages in basically two kinds of evaluation activities: (1) direct personnel management evaluation, in which

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Commission staff performs on-site evaluations of personnel management effectiveness at headquarters and field installations of various departments and agencies; (2) participating in, or otherwise monitoring, agency evaluations; (3) technical assistance to aid agencies in dealing with personnel management problems that are adversely affecting mission accomplishment and/or legal and regulatory compliance; and (4) technical assistance to aid agencies in improving internal personnel management evaluation systems.

The emphasis in FY-77 will be to design an "evaluation strategy" for each department and agency, representing the best possible combination of the above four activities. The tailor-made strategy for each agency will be based on the Commission's assessment of that agency, which will be shared and discussed with agency Evaluation Chiefs. The purpose of such discussions will be to reach agreement on overall assessments as well as on the evaluation strategy that seems to make the best sense for each agency during FY-77. Meetings between CSC Evaluation Managers and agency Evaluation Chiefs are already taking place, and are scheduled to be completed by the end of April. Mr. Cole reported that the basic approach he had outlined seemed to be very favorably received by agency Evaluation Chiefs. He indicated that, although the assessment process is relatively new and still needs further development and refinement, agency Evaluation Chiefs seemed to feel that this was a useful approach -- to the extent that they suggested adopting a similar approach in the future, so that the Commission might have the benefit of agencies' self-assessments as input to CSC's next planning cycle for FY-78. The IAG Committee on Personnel Management Evaluation will take this matter up as an Action Item for further consideration.

The general reaction to the "strategic planning" approach outlined by Mr. Cole, including closer collaboration between CSC and agency Evaluation Managers, seemed to be favorable. It was agreed that early efforts to share our respective assessments in order to engage in cooperative program planning could be beneficial, particularly with respect to completing timely advance planning for FY-77, to enable both the Commission and agencies to get their evaluation programs off to a good start early in the new fiscal year.

III. LABOR MANAGEMENT RELATIONS DEVELOPMENTS

Mr. Jacobson introduced Anthony F. Ingrassia, Director of the Office of Labor-Management Relations, who discussed the Comptroller General's decision of February 23, 1976 (B-156287) which limits official time for representational duties to 160 hours annually per employee. He noted that the Federal sector decision calls for labor-management agreements to be brought into conformity by May 24, 1976. Apparently, the decision was intended to cover all uses of official time for activities not set forth in job descriptions; as such, it was not specifically directed at union representational activities. The broad scope of the Comptroller General's decision could cover employee representation at EEO and adverse action procedures, grievances, union-management committees and many other areas.

Commission representatives and others, including unions, have met with Comptroller General Ingrassia for discussion of the decision, he reported. Unions have indicated that the effect of the decision

could be to increase the number of union representatives; since new representatives will be inexperienced, the quality of representation could decline. The Comptroller General has indicated a willingness to delay implementation so that the issues which have been raised can be subject to further study. The Commission will issue guidance as soon as the Comptroller General has taken final action. (Note: The Comptroller General issued letter (B-156287) March 22, 1976 suspending the effective date of the decision until October 1, 1976 in order to further evaluate the issue involved.)

Mr. Ingrassia reported the results of a survey of negotiated official time provisions as of December 1975, as compiled by the Commission's Labor Agreement Information Retrieval System (LAIRS). Data from an earlier LAIRS report (May 1, 1974) had been used by the Council and the Comptroller General in reporting that 461 Federal sector agreements contained official time provisions. However, while 461 agreements contained specific limitations on official time as of May 1, 1974, another 1,702 provided "reasonable time" for union representation. As of December 1, 1975, 82% agreements in the LAIRS file contained official time provisions. Of these 1,926 are of the "reasonable time" type, and 511 provide more specific limitations on the amount of official time permitted.

Mr. Ingrassia drew attention to the transmittal of March 16, 1975, Federal Register notice from the IAG Secretariat to the IAG Committee on Federal Personnel Management Information Systems and Labor-Management Relations. This notice invites written comments on a "routine use" statement being added to the CSC/Government-3 Personnel Records System as defined under the Privacy Act of 1974. This statement deals with disclosure of information to labor organizations recognized under Executive Order 11491.

The Commission plans to issue an FPM Letter concerning this "routine use." Soon after the 30-day period for comment on the Federal Register notice has expired, agencies and other interested parties will have an opportunity to comment on a draft letter before it is published in final form.

IV. CSC TESTIMONY ON H.R. 12080

Mr. Jacobson discussed Civil Service Commission testimony on H.R. 12080, (February 25, 1976) -- "a bill to amend title 5, United States Code, to assure that appointments in the civil service are on the basis of merit, to establish an independent board to hear appeals from certain Federal personnel decisions, and for other purposes."

On March 17, 1976, Chairman Robert E. Hampton appeared before the Subcommittee on Manpower and Civil Service, Committee on Post Office and Civil Service, U.S. House of Representatives to discuss the Commission's views on H.R. 12080. He suggested several modifications and refinements in the bill to achieve more workable procedures, but reiterated that the Administration stands behind the bill and will support its enactment.

Key changes suggested by Chairman Hampton are as follows:

1. Authorities

As framed, the bill would transfer certain authorities from the President

to the Civil Service Commission, primarily to strengthen the Commission's hand in the enforcement of merit principles. The Commission supports the intent of this portion, but suggests that its ties with the President should not be weakened in the broader aspects of personnel management.

Chairman Hampton said that reform can better be accomplished by highlighting the President's responsibility for administration of the personnel laws while at the same time making these laws somewhat more specific. The same is true for the President's appointees who head the executive-branch departments and agencies.

Supporting this view, he said that the Commission's efforts to achieve more effective personnel management, particularly in such areas as executive development, productivity, labor relations, position management, and several other areas, are greatly strengthened because these efforts are backed by the President and integrated with the total management program for the executive branch.

2. Enforcement

To strengthen the enforcement of merit system compliance, the bill would give the Commission statutory authority for investigation, enforcement, and reports. Chairman Hampton suggested that this portion of the bill be expanded to include evaluations of personnel management, and to distinguish clearly between investigations and evaluations.

"Investigative activities are called for when we are faced with evidence of serious merit system abuses that usually entail violations of law, Executive order, or regulation. Our evaluation activities, however, focus on assessing the effectiveness of personnel management in agencies."

In the same context, Chairman Hampton asked for a clearer distinction between corrective action required of an agency and disciplinary action against a person found in violation of merit law or principles.

He asked also that the separate agencies' responsibilities for evaluation, compliance, and enforcement be cast into law, with the Commission retaining jurisdiction and serving as final arbiter of results and corrective actions.

3. Employment Based on Merit

The bill would require that hiring and advancement of personnel be based on merit, and without regard to race, color, religion, sex, age, national origin, physical handicap, or political affiliation -- whether in the competitive service or the excepted service. The Commission strongly endorses this provision.

"The fact that positions are in the excepted service certainly should not mean that 'anything goes' in filling these jobs," Chairman Hampton said.

"The exception means only that those jobs are not subject to those Commission employment requirements that flow from our responsibilities to regulate the competitive service."

Leaving aside the comparatively small number of jobs -- about 1,500 -- that the Commission has excepted because of their advocacy, confidential, or policy-making nature, he added: "We think political considerations must play no part in filling the approximately one million other excepted positions." (These include some 700,000 positions in the Postal Service, 29,000 in the Tennessee Valley Authority, 8,800 in the Foreign Service, and 45,700 in the Department of Medicine and Surgery of the Veterans Administration covered by agency-administered merit systems.)

Chairman Hampton also endorsed a provision of the bill that would relieve the Commission of its responsibilities for approving the qualifications of candidates for non-career assignments (the supergrade equivalent of Schedule C).

4. Prohibitions Against Personal Recommendations

Chairman Hampton expressed strong support for provisions of the bill aimed at preventing political influence and personal favoritism in employment.

Chairman Hampton stated his belief that the bill "does not intend to rule out proper referrals and recommendations that we solicit as part of our broad recruitment program. Nor does it intend to diminish the authority or responsibility of the Civil Service Commission and all Federal agencies to continue and increase their affirmative efforts toward the achievement of equal employment opportunity in the Federal service."

As an alternative to the bill's approach to dealing with job referrals, Chairman Hampton suggested that all referrals be simply answered with a polite letter informing the sender of the proper procedures that candidates might follow to obtain consideration for Federal employment.

5. Appeals

The Commission agrees with the bill that its enforcement role would be strengthened by relieving the Commissioners of any appellate responsibilities, particularly for those actions to which the Commission is a party, the Chairman said.

But the Commission recommended an alternative to the bill's approach to setting up an independent appeals authority outside the Commission -- specifically, the establishment of a statutory appeals board within the Civil Service Commission to adjudicate all appeals provided for by law or Commission regulation. Chairman Hampton cited the Board of Veterans' Appeals within the Veterans Administration as an appropriate model for an independent statutory body associated with the Commission.

He recommended steps to assure the independence of such an appeals authority, including appointment of its head through competitive procedures and delegating to the appeals body its own appointing authority by law.

"This arrangement would carry out the Subcommittee's intent both to establish the Commission as the principal agency for personnel policy formulation and to set up an independent quasi-judicial body to hear appeals cases," Chairman Hampton said.

This approach would also avoid confusion that might result from certain kinds of appeals being handled by an independent authority outside the Commission, while other types of appeals continued to be handled by the Commission. "In our opinion, dividing cases between two appellate authorities as the bill envisions would fragment authority to resolve issues and complicate appeal procedures," Hampton said.

In closing, Mr. Hampton indicated that the Commission's staff is available, if desired, to assist the Subcommittee staff in drafting language "to achieve our common purposes."

V. ANNOUNCEMENTS

- Affirmative Action Plans for Handicapped Individuals (Including Disabled Veterans). March 31, 1976 was the due date for departments and agencies to submit their affirmative action plans for handicapped individuals (including disabled veterans). (The CSC report to the Congress is due June 30, 1976, and last year the Commission received plans during June which were too late -- this courtesy cannot be honored this year.)
- Summer Employment. Within a matter of weeks, agencies will be staffing under summer employment. Again this year, personnel directors are asked to conduct balanced programs appointing temporary workers as a result of successful competition in the summer examination, under merit staffing plans and programs for needy youth. CSC Bulletin 308-24 -- The 1976 Federal Summer Employment Program for Youth, dated March 29, 1976, announcing the summer employment program contains the same general goals under the needy youth programs, 1 youth for every 40 regular employees on the payroll. The advanced edition of this bulletin (3/15/76) has been distributed to departments and agencies.
- Bimonthly Newsletter (The First Line) for Federal Supervisors and Mid-managers. In response to a recommendation of a special IAG Work Group on Employee Orientation and Communications, the Civil Service Commission will begin publication of a bimonthly newsletter for Federal supervisors and midmanagers. The newsletter will be called The First Line and will be made available to Federal departments and agencies through rider orders placed on the Commission's printing requisition. Information on the purpose and scope of the newsletter, as well as on procedures for ordering copies, is available in CSC Bulletin 171-514, dated March 19, 1976.
- Legislative Proposal to Improve the Operation of the Federal Wage System. The Commission has submitted on March 2, 1976, a legislative proposal to Congress which would improve the operation of the Federal Wage System. The appropriate committees of both Houses have received the legislative proposal. The provisions of the present law governing the operation of the Federal Wage System which the legislative proposal seeks to eliminate are as follows:
 - o The Monroney Amendment, relating to the use of out-of-area wage rate data in Federal wage surveys under certain circumstances;
 - o The requirement that jobs be scheduled have five steps;

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- o Uniform 7 1/2 and 10 percent differentials for second and third shift night work;
- o The prohibition against including governmental activities in Federal wage surveys; and
- o The requirement that the payline be fixed at the second step.